

DA: February 9, 2011
TO: Lexington Conservation Commission
FR: Subcommittee on Land Management

Report

Our charge was to re-examine the desirability of establishing a permit system to regulate unleashed dogs in Willards Woods. Our predecessor subcommittee had examined several such permit systems and had decided not to recommend one for Willards Woods, but had indicated a willingness to consider the question further. The Commission in its decision of June 22, 2010, agreed with that assessment. This subcommittee was appointed “to explore further whether a permit system can be designed that meets the needs of all parties and to make a recommendation to the Commission no later than 6 months after [the September 1, 2010 implementation of the regulation on unleashed dogs in Willards Woods].”

We have reviewed the previous subcommittee’s material on permit systems established by the Trustees of Reservations (“Green Dog” programs in Rocky Woods and Fork Factor Brook Reservations), the public education programs in Brookline and Weston and the permitting proposal submitted by Leslie Goldberg and Marjorie Radlo-Zandi. We have also examined a permitting program established in Boulder, Colorado, which the previous subcommittee did not review.

How can a permit system help?

Our first concern was whether a permitting system of any kind could address the primary problem that led to the current restriction on unleashed dogs in Willards Woods. That problem was identified by the Commission as “user conflict.” On the one hand, a large number of unleashed dogs were in Willards Woods, especially on weekends, often accompanied by human custodians who, with their dogs, were regular users of that conservation land. On the other hand, there were complaints, from abutters, from some users without dogs, and from some other dog owners, of uncollected dog waste and some incidents of aggressive canine behavior, as well as damage to the pond and stream banks, apparently contributed to by overuse by dogs.

Since September 1, the effective date of the new regulations, there has been a dramatic reduction in the weekend use of Willards Woods by off-leash dogs and their walkers. However, judging from communications that have been submitted to the Commission by individuals on both sides of the issue, there continues to be mutual distrust between the two sides. In addition, it appears from observations of commissioners that the problem of uncollected dog waste, although diminished, continues to occur.

We feel that a permit system can improve the current situation only if it can 1) address the complaints of dog waste and dog behavior and 2) diminish the current feeling of hostility between the dog walkers and the others.

We don't believe that a permit system can improve those elements of the conflict unless it is accompanied by 1) education (to establish a widely understood and broadly supported standard of what is expected of unleashed dogs and of their custodians) and 2) enforcement. An apply-and-pay permitting system would have no effect other than controlling the number of dogs. The current regulation has already reduced the number of dogs, yet, as noted above, problems remain.

We therefore recommend that the Commission develop a permit system that stresses education, modeled on the "Voice and Sight Control" system that has been used for nearly thirty years in Boulder, Colorado. The outlines of such a program are described below.

The education component

The language of the Town by-law ("under the immediate restraint and control of some person by means of a leash or by effective command") does not provide a workable standard. Different people have different understandings of what that means. As explained below, we recommend adopting a much more specific and understandable standard, similar to Boulder's. (See below.) The Boulder program has created a video to demonstrate how the standard applies to real dogs in real situations. All applicants for an off-leash permit must certify that they have watched the video, that they understand the standard, and that the permitted dog and its walker are able to comply with the standard. We recommend that Lexington make a similar video, one that clearly explains the standard and shows examples of dog training/behavior that are acceptable (and unacceptable) for off-leash dogs in conservation land. We recommend that regular Willards Woods dog walkers be involved in the planning of the video and in other aspects of the permit program (e.g. language on signs, identification of dog training resources). Like the Boulder video, the Lexington video could be accessed from a website. When the permit program is ready for operation, an off-leash permit could be issued to an applicant who pays the required fee and certifies in writing that s/he has watched the video and that the dog and walker are able to comply with the standard. (This requirement would, of course, only apply to those wanting to walk their dog(s) off-leash.) Dogs with a permit could then be allowed off-leash in Willards Woods at any time the conservation land is open to the public. Unleashed dogs without a permit would be confined to weekdays and any other hours approved by the Commission. The primary purpose of the permit system would be educational, to promote a common understanding of what is expected of dogs and their custodians in conservation land. Enforcement of the system should emphasize that purpose.

The enforcement component

We envision effective enforcement to include a combination of further education and admonition before any fines are assessed. It does not appear that the Town will provide this kind of enforcement with its current personnel, so any permitting system will require enough new revenue to hire a person (a “ranger”) who will do this. That person could be a half-time worker, one of whose responsibilities would be administering the permit program and spending considerable time interacting with users with unleashed dogs. Self-policing would be an important component of any enforcement system, but we don’t believe that this kind of educational enforcement can be accomplished by relying solely on other dog walkers. We estimate the cost of employing a half-time (19 hours/week) ranger to be between \$15,000 and \$16,000. It is possible that that amount could be raised by a combination of an increase in the dog licensing fee (currently \$15) and by fees for the off-leash permits.

Implementation of the permit program

The program cannot be fully implemented until sufficient resources have been found to pay its expenses. We recommend that the permit program be applied first to Willards Woods and eventually extended to all of Lexington’s conservation areas. In its initial phase, it could enable people to walk their dogs off-leash during hours when off-leash walking is normally prohibited. However, the problems of user conflict are not confined to those hours or even to Willards Woods. If the initial phase of the program is successful, we recommend that it be extended gradually into the other hours and days in Willards Woods, reducing the hours open to unpermitted off-leash dog walking, and increasing the number of permits. If the program proves successful in Willards Woods, it could be extended in phases to other conservation areas, ultimately applying to all of them.

Recommendations for changes in the current rules regulating unleashed dogs in Willards Woods

It will take some time to institute a permit system, and we recommend that the current regulation of off-leash dogs in Willards Woods continue until the permit system is in effect, with the following changes. (Please note that most of these recommendations apply to all conservation areas, not just to Willards Woods.)

1) Add off-leash early morning hours to one or both weekend days in Willards Woods. [A persuasive argument has been made that weekday-only hours are very difficult for dog owners who work on a normal five-day, eight-hour schedule. Conflict with other users seems less likely in the early morning. The high level of compliance with the current restriction on off-leash dogs encourages us to believe that dog walkers will also comply with a deadline that requires them to leash or remove their dogs at an appointed hour.] [Applicable only to Willards Woods.]

2) Adopt the following clarification of the standard of control that a custodian is expected to exercise over an unleashed dog. "Voice and Sight Control. No dog may be off-leash unless it is under the custodian's verbal control and within the custodian's sight at all times. Verbal control means that the dog will come immediately at the custodian's command and stay on command. An unleashed dog may not charge or chase any person, dog or wildlife, nor engage in any other behavior that can reasonably be interpreted as aggressive." [We recommend the immediate adoption of this language to notify the public of the standard that the Commission intends for the training and control of unleashed dogs on conservation land. However, we also recommend that the language not be reduced to an enforceable regulation until September 1, 2011. For many current walkers of unleashed dogs, this more specific standard will make no difference, because their dogs are already able to comply. But others may feel that they need to engage in further training of their dogs. When the new standard becomes effective, it should apply to unleashed dogs in all conservation areas. When the permit system is in operation, we expect that there will be both a higher level of recognition of the Voice and Sight Control standard (through required viewing of the video) and a higher level of enforcement (through the efforts of the ranger.)] [Applicable to all conservation areas.]

3) All dogs must be on leash on entering Willards Woods from Brent Road, from North Street and from the North Street parking lot, and for a designated distance after that (marked with a two-way sign). Dogs must be re-leashed at that point when returning to the entrance. [This is intended to address the problem of uncollected dog waste, which seems to occur most frequently near those entrances, where many dogs relieve themselves shortly after getting out of a car, sometimes without their custodians noticing. It is also intended to prevent the intrusion of unleashed dogs into properties that abut conservation land and to ensure the safety of dogs near moving vehicles.] [We recommend that this regulation apply at first to Willards Woods only. But it may be extended later to other conservation areas, as appropriate.]

4) A dog walker may have only 2 dogs off leash at one time. [We feel that it is unreasonable to expect a custodian to be able to comply with a Voice and Sight Control standard while managing more than two unleashed dogs at the same time.] [Applicable to all conservation areas.]

5) Dog walkers must carry a leash for each unleashed dog. [This is intended to ensure that a custodian can re-leash a dog in the event of aggressive behavior, disobedience or simply to show courtesy to another user of the land.] [Applicable to all conservations areas.]

6) Dog walkers must carry an appropriate waste-collecting bag for each dog being walked, whether on leash or not, and must collect and remove each dog's waste immediately. [Applicable to all conservation areas.]

Other recommendations

We recommend replacement of the open blue trash cans at the Brent Road and North Street entrances to Willards Woods with appropriate covered receptacles. The cost would be around \$1000, and there is no money in the current budget for them. The Conservation staff has consulted with the DPW and a design has been agreed to. The staff is currently searching for other sources of funding for the receptacles.

Some new signage will be required. We recommend removing the original (green) signs and replacing them with more readable signs on the same posts. We will also need additional signs—at least two at each of the three major entrances to Willards Woods (one on Brent Road and two on North Street) to mark the point where dogs may be unleashed (and re-leashed). We may need additional resources for these signs. Most new signage can be installed after March 1. We have consulted with personnel of the Boulder program and received copies of some of their signage. The rules relating to dogs should be stated clearly and courteously, inviting cooperation rather than emphasizing sanctions. The signage will be an important element of the education component of the permit program. To the extent possible, it should promote mutual understanding and not provide further fuel for mutual resentment.